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SUBJECT: Walk-in Guidance for 2008: Administrative
Procedures for Handling Foreign National Walk-ins,
Defectors and Asylum Seekers

REF: (A) 07 STATE 054846 (B) 07 STATE 066091
(C) 06 STATE 025824 (D) 06 STATE 175770 (E) 03 STATE 291991
(F) 2 FAM 228 and 229; 9 FAM 42.1 N4
(U) Classified by: Richard Ober, Deputy Director, INR/IC,
Reason: 1.4 (c, d).

¶1. (S/NF) Summary: The information in this telegram must be handled with utmost discretion and due diligence. This telegram contains updated guidance and procedures for handling foreign national walk-ins, defectors and asylum seekers at overseas posts. It describes procedures to be followed in receiving walk-ins and determining whether temporary refuge, protection, resettlement, parole (including defector status) or other engagement is indicated and how to coordinate necessary action. Possible methods for transportation out of the host country are also described. Post personnel should make every effort to familiarize themselves with the full contents of this telegram. Under normal circumstances, the regional security officer (RSO) should be the first American official to interview walk-ins. In circumstances involving an American citizen walk-in, and in particular if an American citizen requests emergency protection (temporary refuge) at post, refer to 03 state 291991 (October 15, 2003-providing temporary emergency protection to private U.S. Citizens in USDOS posts abroad) for the appropriate guidance.

The telegram contains seven (7) sections:

- A - What to do with this telegram (paragraphs 2-5)
- B - How to use it/how to prepare (paragraphs 6-15)
- C - What to do when a walk-in arrives (paragraphs 16-20)
- D - How and when to report and to whom (paragraphs 21-22)
- E - Temporary refuge - guidance and cautions (paragraphs 23-32)
- F - Long term options (paragraphs 33-44)

¶I. Asylum/parole;

II. Immigrants/refugees;

III. Defectors

G - Travel assistance (paragraphs 45-47)

End summary.

¶A. What to do With This Telegram

¶2. (C) As this telegram is of continuing interest, posts are authorized and encouraged to retain a copy in RSO files and in a location accessible to duty officers until the next version is received. RSOs and mission management need to ensure that all officers read this telegram and know where a reference copy is located.

¶3. (S/NF) It has been cleared throughout the Department and with DHS/USCIS and DHS/ICE (Department of Homeland

Security/Citizenship and Immigration Services and Immigration and Customs Enforcement), appropriate intelligence agencies and FBI HQ.

¶4. (S/NF) Those posts without a Senior Intelligence Representative, RSO or UNHCR/UNDP presence in country, should review these procedures carefully to determine whether any additional guidance and/or adjustments are required to implement them.

¶5. (U) Questions or comments regarding the following procedures should be directed to INR/IC, L/HRR, L/LEI, L/CA, DS/IP, DS/ICI, PRM and DRL/MLGA (Multilateral and Global Affairs).

¶B. How to Use it/How to Prepare

¶6. (S/NF) The Department recommends that each post's counterintelligence working group (CIWG) meet on receipt of this telegram to ensure that procedures reflect local security concerns and to recommend appropriate defensive security. Post management has the responsibility to ensure that officers handling walk-ins are aware of the global security environment and current world events so that walk-ins/volunteers who are prepared to offer timely information are interviewed thoroughly. Regional Security Officers should review this information with constituent posts and ensure adequate procedures are in place to handle walk-ins.

¶7. (S/NF) In handling foreign national walk-ins, defectors, and asylum seekers, the chief considerations are:

- (a) post security;
- (b) safety of the individual;
- (c) intelligence value and bona fides of the individual;
- (d) whether appropriate protection is available from international organizations or host country sources;
- (e) the timeframe available for resolution of the case;
- (f) whether the individual may be resettled in another country (possibly the host country if the individual is a thirdcountry national); and
- (g) whether the individual is admissible into the United States and, if so, whether such admission should be handled through the normal immigration/refugee admissions procedures or through special measures;
- (h) the need to safeguard confidentiality of any information that may have a bearing on a future consular-related activity or possible asylum claim. (See section f for review and guidance on the options available).

¶8. (C) The following requests for assistance should be kept confidential: temporary refuge, leaving the host country, intent to request asylum, arranging for appropriate thirdcountry visas, and/or resettling elsewhere. Post should limit knowledge of such requests to USG personnel with a need-to-know and, unless otherwise instructed, provide no comment in response to press inquiries. Section 222 (f) of the Immigration and Nationality Act (INA) treats Department of State records pertaining to the issuance or refusals of visas or permits to enter the U.S. as confidential. Post must consult with the Department (CA, PRM/A as well as appropriate geographic bureau(s)), prior to responding to congressional inquiries on specific walk-in cases.

¶9. (S/NF) Special procedures should be in place at post for the reception of defectors to ensure proper coordination with the Senior Intelligence Representative. Post's Senior Intelligence Representative, coordinating with the RSO, is responsible for updating post's walk-in plan and briefing Marine Security Guards (MSG), RSO, and duty officers on a semi-annual basis, at a minimum. The RSO, however, must clear the plan and incorporate necessary elements into the MSG and local guard orders. The post plan should include, in addition to embassy walk-ins, procedures for approaches at residences, in vehicles, on the street, via telephone and through both electronic and handdelivered mail. The RSO's arrival briefing to all cleared U.S. personnel will include instructions on this point (i.e., normally to advise the RSO as soon as possible). Post's Senior Intelligence Representative will coordinate any operational

tests of walk-in procedures with the RSO. At posts where LEGATT representation is present, the walk-in plan should include clear procedures to ensure proper coordination by the LEGATT with the RSO and the Senior Intelligence Representative and to integrate LEGATT activities into the post's walk-in plan. (Note: Briefings should take into account the increased possibility of approaches to U.S. Officials outside USG facilities by walk-ins who may be intimidated by the heightened physical/procedural security at U.S. installations.) Marine Security Guards (MSGs) and local guards must be briefed on what procedures to follow at first contact to ensure that all walk-ins (and any hand-carried items) are fully screened. Screening of walk-ins should be accomplished in a manner that does not draw undue attention to the walk-in and potentially alert host nation security personnel.

¶10. (S/NF) MSGs should have a codeword or pre-arranged signal to alert the RSO (or some other designated officer) of a person requesting to speak with an American officer. The Marine may provide language cards to the person if he/she does not speak English. (Language card sets should be available at posts for priority interest languages such as Russian, Spanish, Arabic, Farsi, Mandarin, Korean, and others.) It is recommended that post maintain a post language roster of cleared Americans whom the RSO or duty officer can draw upon for translation services. Generally the RSO or, in his/her absence, another designated officer should be the first person to interview the walk-in. However, posts need to ensure that Consular Officers are briefed on walk-in procedures since it is possible that a walk-in will attempt contact with an officer through visa or citizen services windows using applications for services as a pretext to enter the mission.

¶11. (S/NF) Post should be aware that a walk-in's first point of contact upon approaching a U.S. Diplomatic facility may be a local guard or receptionist. Such personnel must be briefed so that a walk-in will be efficiently screened and referred to the MSG. It is essential therefore, that this unclassified part of the post plan be understood by FSN's or local guards. Knowledge that an American officer (RSO or another designated officer) will interview such visitors is not classified. (The classified part of the plan is the potential referral to other post officials for a decision on further actions.)

¶12. (S/NF) All posts should clearly understand the negative impact of improper handling of walk-ins. Not only can improper handling put walk-ins at personal risk, but important information of intelligence value could be lost should walkins be turned away or not expeditiously processed. Information provided by walk-ins can be extraordinarily valuable, reaching the NSC and the White House. Thus, the plan must work correctly at any hour, day or night. Department appreciates posts' strict compliance with cited procedures.

¶13. (S/NF) A room should be designated, preferably outside the Public Access Control (PAC) hard-line, to conduct the initial interview.

¶14. (S/NF) A prearranged signal and appropriate contact numbers for notifying the Senior Intelligence Officer of a walk-in of possible interest needs to be established.

¶15. (U) Post should have cards with contact numbers for those host government offices that handle refugee claims and the local office of the UN High Commissioner for Refugees (UNHCR) that can be provided to walk-ins. Conversely, post should ensure that UNHCR and other local organizations that assist refugees have the contact information for the Embassy Officers that regularly handle walk-ins.

¶C. What to do When a Walk-in Arrives

¶16. (C) When a walk-in appears at a post, the first consideration is whether he or she is carrying a weapon or any device that represents a danger to post personnel. Walk-ins who refuse to be screened for weapons will not, repeat not be permitted within the security perimeter, and post personnel are to exercise utmost caution when dealing with such persons. Walk-ins should be searched for possible hazardous materials. If an object/item appears suspicious, the local guard should deny access. In other words, RSO personnel are not required

to prove that the material is hazardous to refuse entry to the walk-in. Never allow a potential or presumed hazardous material to enter the diplomatic compound. Any item represented to be a hazardous material must also be refused entry (e.g. red mercury represented by the walk-in as proof of Plutonium enrichment from Russian labs). Attempting to clear an item suspected to be a hazardous material by using instruments currently available to RSOs does not provide guaranteed results and is not recommended.

After screening is completed, post must then determine whether the individual is in imminent danger. This may include immediate physical danger or danger of involuntary repatriation to a country where the individual may have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion or where it is more likely than not that they will be subjected to torture. The need for several layers of access control and the presence of host nation security forces around many of our diplomatic facilities makes it difficult for walk-ins to approach our facilities without drawing undue attention. It is important to remind post security personnel that this may explain a certain level of nervous or anxious behavior by the walk-in. A fear of approaching the embassy or consulate will often be referenced by a person insisting on speaking to an American officer at a location other than the embassy or consulate. Because of the inherent risk involved, this type of meeting should be agreed to only in exceptional circumstances and with the approval of the chief of mission and RSO.

¶17. (S/NF) A U.S. Officer, normally the RSO or ARSO designated to deal with "walk-ins", should be contacted as soon as possible by the Marine Security Guard (MSG) or other official who makes contact with the walk-in. All walk-ins should have an opportunity to speak with an American officer.

¶18. (S/NF) The RSO (or another designated officer) will ensure that the person has been properly searched (by the MSG or local guards) before being interviewed. He/she should then attempt to establish the subject's bona fides and reason for visiting the post. Mentally disturbed persons, intelligence vendors, fabricators, provocateurs from hostile intelligence services, or persons gathering information on behalf of terrorist organizations may appear as walk-ins. Once the subject's bona fides are established, RSO should use an interview guide to establish what the walk-in wants, how much time he/she has, and methods for recontact, among other information. The RSO (or other officer handling the initial interview) should contact the designated officer via a prearranged signal if appropriate criteria are met. Once satisfied as to the intent and credibility of the walk-in and in accordance with post procedures, RSO should ensure that a walk-in of foreign or counterintelligence interest is transferred to the control of the Senior Intelligence Representative at the earliest possible time with minimal exposure to other mission personnel. Prompt contact with intelligence representatives, particularly when walk-ins make contact during working hours, can help to establish bona fides early in the process; this is often useful in ruling out repeat walk-ins of no value, fabricators, information peddlers and others. Because walk-ins often get cold feet and leave when they are kept waiting for an interview, every attempt should be made to copy the walk-in's travel documents when the walk-in first arrives inside the embassy or consulate.

¶19. (S/NF) The Senior Intelligence Representative will then determine further actions (interview, recontact at a later date, etc.). (Note: See 04 State 61816, March 19, 2004, Subject: Exception to Vance Memorandum - approval for U.S. Diplomatic installations to install monitoring equipment in "walk-in" rooms. This cable permits monitoring of foreign nationals in walk-in rooms overseas under certain guidelines which are clearly listed. All other recording or monitoring conducted by post employees, including covered positions, must be consistent with the department's Vance Memorandum of 1977. The Vance Memorandum states that no officer or employee of the State Department or foreign service shall direct, arrange for, permit, or undertake the monitoring or mechanical or

electronic recording of any conversation, including any telephone conversation, without the express consent of all persons involved in the conversation. Any deviation from this rule must be approved in advance by the Secretary of State or Deputy Secretary.)

¶20. (S/NF) RSO may have reason to interview individuals for information regarding potential security-related threats to U.S. personnel and facilities. Also, in accordance with the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (Public Law 99-399), DS is responsible for administering the Department's rewards program to seek information concerning international terrorists and their activities.

¶D. How and When to Report and to Whom

See also paragraphs 23-32 below on reporting granting temporary refuge.

¶21. (S/NF) Once questions involving intelligence community equities have been resolved, post should ensure that the Department receives timely information on certain categories of walk-ins, in accordance with the handling of asylum requests guidance set forth in 2 FAM 228 and 229. The Department recognizes that some cases will be very sensitive. In those cases, the Department suggests that a Roger Channel telegram be sent to INR, which will ensure appropriate yet limited distribution. For routine cases, telegrams should be slugged for PRM/A, INR/IC, P, DRL/MLGA, L/HRR, CA/VO, DS/CI and the appropriate Regional Bureau, with DHS/USCIS WASHDC as a telegraphic info addressee. (At a minimum, PINR, CVIS, PREF, and ASEC tags should be used.) Post should indicate the time sensitivity of the case. Some cases will remain sensitive, and require that distribution of information is limited. For those cases not otherwise handled within the Intelligence Community, a notification to the Department is required in all/all cases involving:

--Any person who possesses information regarding plans and intentions of governments and/or organizations hostile to the United States or others who may have information on the following topics: immediate threat(s) to U.S. personnel or facilities; weapons proliferation; biological/chemical warfare; nuclear concerns; counterterrorism; counternarcotics; and any significant new intelligence on military-related subjects. Threat information is to be reported via TERREP or TERREP exclusive channel telegram (as appropriate) as soon after receipt as possible. Threat information of an extremely urgent nature should be immediately provided to RSO and other appropriate post officials and also may be relayed to the Department Operations Center 202 647-0557 via a secure telephone call.

--A foreign diplomat, foreign consular officer, or foreign government official (including members of the national police and the military), or political party official, regardless of his/her country of nationality.

--A person who appears threatened by involuntary repatriation to a country where the individual may have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion or where it is more likely than not that the individual would be tortured. States that are parties to the 1951 UN Convention and/or its 1967 Protocol relating to the Status of Refugees have agreed not to expel or return refugees under certain circumstances. States party to the Convention Against Torture have agreed not to expel or return an individual to another country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Even in countries that are not parties to those refugee instruments, UNHCR has the specific mandate to protect refugees and, accordingly, should take appropriate action. It is important, therefore, that any attempts or prospective attempts at forcible repatriation be brought to Department's attention immediately (Attn: PRM/A), with an info copy to U.S. Mission Geneva (Attn: RMA). (See also the instructions on long-term options indicating additional addressees or contacts contained in paragraph 29.)

¶22. (U) If after a thorough review of the following guidance, a post feels it needs further guidance in an emergency situation involving walk-ins, it should contact the Operations

Center at 202 647-1512. The operations center will alert the appropriate Department personnel who will provide posts with assistance on how to process the case(s).

1E. Temporary Refuge -- Guidance and Cautions

123. (S/NF) In those rare cases where an individual is in immediate and exceptionally grave physical danger, i.e. possible death or serious bodily injury, either in the host country or another country to which the individual will be summarily returned by host country authorities, post should grant temporary refuge, unless instructed otherwise by the Department or unless doing so would put post security in serious jeopardy. In cases where the physical danger or the danger of involuntary repatriation as defined above is less serious but appears imminent, the post at its discretion may grant temporary refuge. Temporary refuge may not/not be granted unless there is compelling evidence that the threat of physical danger or persecution (for reasons of race, religion, nationality, membership in a particular social group, or political opinion) is imminent. For example, temporary refuge may not be granted to foreign nationals who simply wish to immigrate to the United States or evade local criminal law. Post officials should be particularly careful not to equate the decision to grant temporary refuge with "granting asylum" (See paragraphs 34-35).

124. (S/NF) In determining whether to grant temporary refuge, post should consider the following issues, among others:

- (a) How serious and immediate is the threat to the walk-in?
- (b) Will the threat to the individual increase or decrease if he/she is allowed to remain at the post?
- (c) Can the individual leave or be required to leave post without being noticed?
- (d) If detection by host government authorities is inevitable and the alleged threat is from the host government, can the walk-in's departure be explained in a manner that will not further endanger the individual?
- (e) What are the likely consequences of allowing the individual to remain temporarily at the post -- with regard to the individual, other persons in the host country, the security of the post, and the safety of USG personnel?
- (f) Is the individual of intelligence value to the United States?
- (g) Is the person at risk on account of peaceful political, religious, or humanitarian activities consonant with U.S. values and policies?

125. (S/NF) Post should be aware that in cases where the individual seeking temporary refuge is a national of the host country and the host country is unaware of the individual's actions, allowing the individual to remain in a U.S. diplomatic facility may actually increase the danger, since the longer he/she remains the more likely it is that his government will become aware of his request for temporary refuge (and possibly take harsh retaliatory actions). In hostile countries, the United States generally will be unable to assure either safe conduct of the individual out of the country, or his/her continued safety in the country once he/she leaves post premises. Thus, granting temporary refuge may lead to a protracted stalemate. We seek to avoid such situations. In addition, the "residence within a post" of persons hostile to the host government could be a continuing source of controversy and friction and could have serious adverse effects on U.S. interests.

126. (C/NF) As a general rule, temporary refuge should not be granted at residential diplomatic or consular premises, since the inviolability of diplomatic residences (except for the Chief of Mission's residence) is linked to the diplomat's residency and could be made irrelevant or "invalidated" by persona non grata (PNG) action against the diplomat. Consular residences do not enjoy inviolability and residences are, as a practical matter, generally less secure than the embassy or consulate.

127. (S/NF) The decision to grant temporary refuge should be made by the Chief of Mission or Principal Officer or, in his/her absence, a person designated to act in his/her behalf.

¶28. (C) When temporary refuge is not warranted, post should use measures appropriate under the circumstances to remove the persons seeking refuge. Foreign national walk-ins should be informed that regardless of whether they are granted temporary refuge or not, and regardless of the outcome of their case, the post cannot ensure:

- (a) Safe conduct out of the host country,
- (b) The future safety of the individual within the host country, or
- (c) Entry into the United States.

Foreign national walk-ins should also be informed that by remaining in the mission they may endanger their own welfare and that the United States does not allow its posts to be occupied by persons simply seeking to migrate.

¶29. (C) In rare situations where foreign national walk-ins are granted temporary refuge, post should notify the Department in an appropriately classified "NIACT Immediate" precedence telegram, and should notify other relevant overseas posts by immediate precedence telegram. Telegrams to the Department should be annotated for the appropriate regional bureau, P, INR/IC, PRM/A, L/HRR, DS/IP, DRL/MLGA and CA/VO. DHS/USCIS WASHDC should be a direct telegraphic info addressee. Post should also notify the Department by telegram if temporary refuge is requested but denied unless the case is clearly without merit (e.g., appeals by a drunken or deranged person.)

¶30. (S/NF) In cases where temporary refuge is granted to a foreign national, the host government (or the government of the alien's nationality, if he/she is a third-country national) may request an interview with the individual. In such cases, post should notify the Department and await guidance. Post should not comply with interview requests without first obtaining Department approval. (Note: In general, although the U.S. is not obligated to grant interviews, they may be permitted if (a) the individual agrees and (b) the post can ensure that the interview takes place in a setting under its control, where attempts at coercion can be controlled.)

¶31. (SBU) Temporary refuge should be terminated as soon as circumstances permit (e.g., when the period of active danger ends) but may not/not be terminated until the Department's authorization is obtained. (a person who has been granted temporary refuge may, of course, leave voluntarily whenever he/she wishes. Post management should reasonably ensure, however, that the decision to leave is indeed voluntary.) Post management should inform the Department (with same addressees as indicated in paragraph 29, above) when temporary refuge is terminated.

¶32. (SBU) The guidance above also applies if mission is confronted with a large group of walk-ins. The safety and security of the mission and its personnel are of paramount importance. In situations where a large group of walk-ins has entered mission forcibly or by stealth and refuse to leave, local authorities should be asked to remove them, provided this will not place them in either imminent physical danger or imminent danger of involuntary repatriation to a country where they may have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, political opinion or where it is more likely than not that they would be subjected to torture. Before asking local authorities to remove a group of third-country nationals, and if circumstances allow, mission first may wish to obtain local government agreement for subsequent interviews by UNHCR.

¶F. Long Term Options

(I). Asylum Seekers/Parole

¶33. (U) Once the issue of an individual's immediate safety has been resolved, post should consider what may be done for the individual on a more permanent basis. While such persons generally wish to settle in the United States, it should not be assumed that this is possible or even appropriate. Post should consider both whether the individual may be eligible to enter the United States and whether he/she could settle

elsewhere. A qualified individual might be admissible to the U.S. as an immigrant or refugee, or may be paroled. See paragraphs 42-43 below on parole.

¶34. (U) Asylum: Post may not/not grant or in any way promise "asylum," although many walk-ins may request "asylum," posts should be aware that the term "asylum" has a specific meaning in U.S. immigration law. Persons may apply for asylum under U.S. law only if they are physically present in the United States or at a land border or port of entry and may be granted asylum only if they meet the definition of a "refugee" under U.S. law and are otherwise admissible. Even persons who qualify under this standard may be denied asylum as a matter of discretion. While some states, particularly in Latin America, recognize the granting of asylum in diplomatic premises ("Diplomatic Asylum"), many others, including the United States, do not consider Diplomatic Asylum to be sanctioned by international law. The U.S. does not/not grant Diplomatic Asylum at its overseas posts. The Department of State does not adjudicate asylum claims; that is a function reserved to DHS/USCIS and DOJ/EOIR.

¶35. (S/NF) Other USG agencies may request DHS assistance in the parole of a person in need of protection or for law enforcement purposes when immediate movement of that person is in the USG interest. Any processing for parole to the United States still requires completion of class name checks and submission of all required SAOs. See paragraphs 42-43 below on parole. All financial arrangements for parolees must be made in advance. All concurrences for parolees must be completed in advance through both DHS/ICE, DHS/USCIS, and DHS/CBP.
(II). Immigrants/Refugees

¶36. (U) The general policy of the United States is to encourage local or regional resettlement of refugees and international burden-sharing among many governments which may provide resettlement opportunities. In routine cases involving potential refugees from third countries, therefore, if the host country has satisfactory asylum or refugee-processing procedures, the walk-in should be referred to the host government for adjudication of his/her asylum claim.

¶37. (C/NF) In addition, in most cases, and especially if local asylum procedures are not available, potential refugees should ordinarily be referred to the local office of the UN High Commissioner for Refugees (UNHCR). UNHCR has a mandate to provide protection for refugees and has primary international responsibility for seeking durable solutions for refugees including possible opportunities for third-country resettlement. Copies of maps to the nearest UNHCR office should be kept by the interviewing officer to hand out to walk-ins referred there. (Note: In some countries, UNHCR may be placed in an awkward position if it is notified of a case and there is a need to conceal the case from the host government. Where the post has reason to believe that this possibility exists, it should use its discretion in approaching UNHCR, so as not to jeopardize UNHCR's position.) All telegrams referring to UNHCR should add U.S. Mission Geneva as an addressee, slugged for RMA (Refugee and Migration Affairs). Where there is no UNHCR office, that organization's responsibilities are normally handled by the local office of the UN Development Program (UNDP). Post procedures and duty officer handbook should contain the contact information for these offices.

¶38. (U) If the host government cannot or will not protect the individual from involuntary repatriation as described above and if UNHCR is unable to intervene, and the post believes that the person meets the criteria to qualify as a refugee (see paragraph 40 below), then post should contact PRM/A for guidance on how to proceed.

¶39. (C/NF) U.S. admission: If after appropriate procedures are followed, it is determined that the person is destined for entry into the U.S., individuals should be processed through normal procedures for admission to the U.S. as immigrants, refugees, or parolees depending on their eligibility, except in unusual cases. (Note: Issuance of a nonimmigrant visa

should not be considered without guidance from the Department, as U.S. admission may not be appropriate because the circumstances that led an individual to become a walk-in could make him/her ineligible under section 214(b) of the Immigration and Nationality Act (INA).) Use of the Secretary of Homeland Security's parole authority is warranted only in unusual cases, such as when a walk-in is of special interest to the U.S. or is in immediate danger and no other resolution appears feasible or appropriate, or where the case is of a politically sensitive nature (see paragraph 44 below).

¶40. (U) Refugees: Under international law, a refugee is someone who is outside his/her country of nationality (or, if he/she has no nationality, his/her country of last habitual residence) and has a well-founded fear of persecution in that country on account of his/her race, religion, nationality, membership in a particular social group or political opinion. In addition, under current U.S. Immigration Law, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal or resistance shall be deemed to have a wellfounded fear of persecution on account of political opinion. In order to meet the needs of extraordinary individual protection cases for whom resettlement is requested by a U.S. Ambassador, in-country processing authority has recently been extended to any location in the world if concurrence from DHS/USCIS in Washington is received. Determination that an individual is a refugee requires case-by-case adjudication by a DHS/USCIS officer. (See 03 state 326248, November 24, 2003, entitled "How a post can refer cases to the refugee admissions program?. Also, Reftel D, entitled "Worldwide processing priority system for FY 2007.")

¶41. (U) Keep in mind the Department cannot guarantee that an individual will be admitted as a refugee, because that decision may be made only by DHS/USCIS, after a personal interview. (Note: Persons admitted to the United States as refugees are eligible for initial reception and placement assistance from non-government organizations (NGOs) under cooperative agreements with PRM and other publicly-funded benefits.)

¶42. (U) The other plausible means of bringing an individual to the U.S. on a non-refugee/non-immigrant basis is through the exercise of DHS Secretary's parole authority under Section 212(d)(5) of the INA. Parole is an extraordinary measure, sparingly used only in urgent circumstances, and not to circumvent normal visa processing or timeframes. (Note: Persons admitted as parolees are not eligible for any assistance from NGOs. Although the Department will, when practicable, contact a private organization in the U.S. to assist such individuals upon arrival, no guarantees of such assistance should be made. Therefore, each post may want to maintain a list of possible local sponsors who have an affiliation with human rights organizations, such as church groups or social service agencies in the U.S. to contact in case of an urgent situation. In order to do that, post will have to have the individual sign a statement authorizing them to reveal his/her identity and situation to persons outside the U.S. Government.)

¶43. (U) Authority to review humanitarian parole requests filed on behalf of aliens residing abroad rests with DHS/USCIS/RAIO/HAB. In situations where NIVs are denied by Consular Officers, humanitarian parole should not be suggested as an alternative form of relief. Jurisdiction over significant public benefit parole (SPBP) also rests with DHS/ICE. DHS/ICE/OIA-LEPB has developed guidelines in consultation with the Department for processing of significant public benefit parole cases. Guidelines for both types of parole are contained in 9 FAM 42.1 N4 (also see 02 State 256660, December 13, 2002). All requests for parole should be sent to the Department (Attn: CA/VO/F/P, DRL/MLGA, INR/IC, P,

and the appropriate regional bureau) with an info copy to the appropriate DHS bureau. Posts should provide justification for the request and the COM or the DCM should certify that the information provided is complete and accurate. The DCM should also identify all interested agencies at post, which were involved in reviewing and endorsing the request. In addition, post should confirm that a "CLASS" name check has been conducted for each potential parolee with results of that check indicated in the cable to the Department.

(III). Defectors

¶44. (S/NF) Defector status: For the purpose of this telegram the term "defector" refers to a person of any nationality (usually from a country whose interests are hostile or inimical to those of the U.S.) who has escaped from the control of his/her home country and is of special interest to the U.S. Government. Defector cases are generally handled under parole procedures. The Senior Intelligence Officer will work out these arrangements with DHS/ICE and/or post's Consular Officer once Washington approval is obtained.

¶G. Travel assistance

¶45. (S/NF) If the appropriate agency/ies decides that an individual granted temporary refuge should be admitted to the U.S. as a parolee or through normal immigration or refugee admissions channels, a means must be identified to fund the individual's transportation out of the host country and into the United States. For refugees, transportation can be arranged with assistance from the International Organization for Migration (IOM). In exceptional circumstances, USG-funded transportation assistance for parolees may be possible through IOM. Requests for such assistance should be sent to the Department (Attn: PRM/A) for consideration.

¶46. (S/NF) In unfriendly countries, transportation out of the country may prove impossible or impractical. In such cases, the individual should be informed that if he/she makes his/her way to a more friendly country, the United States will consider him/her for admission. To the extent possible without compromising the confidentiality of the individual's request, post should monitor the situation and ensure that if he/she leaves the country he/she is met by USG or UNHCR officials at the first possible transit point.

¶47. (S) Transportation out of friendly countries should not pose a problem. Post should take appropriate steps, in coordination with the host government, to ensure that the individual is protected during his/her departure from adverse actions by third countries (e.g., the individual's country of nationality). If he/she lacks available means to pay for transportation, post should consult with the Department regarding possible means of payment. Applicants admitted as refugees are eligible for a transportation loan administered by IOM (for which the individual concerned will be responsible for eventual repayment).

¶48. (U) Minimize considered.

RICE

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